

AN ACT

ENTITLED, An Act to revise certain provisions regarding federal tax lien registrations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 44-7-1.1 be amended to read as follows:

44-7-1.1. This chapter applies only to federal tax liens and to other federal liens notices that, under any act of Congress or any federal regulation adopted pursuant to any act of Congress, are required or permitted to be filed in the same manner as notices of federal tax liens.

Section 2. That § 44-7-4.1 be amended to read as follows:

44-7-4.1. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in § 44-7-5.1 is presented for filing:

- (1) To the secretary of state, the secretary of state shall cause the notice to be marked, held, and indexed in accordance with the provisions of chapter 57A-9, as if the notice were a financing statement within the meaning of the Uniform Commercial Code; or
- (2) To any register of deeds, the register of deeds shall receive, record, and index the notice in the same manner as similar instruments are recorded and indexed.

Section 3. That § 44-7-5.1 be amended to read as follows:

44-7-5.1. If a certificate of release, nonattachment, withdrawal, discharge, or subordination of any lien is presented to the secretary of state for filing, the secretary of state shall:

- (1) Cause a certificate of release, nonattachment, or withdrawal to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, but the notice of lien to which the certificate relates may not be removed from the files; and
- (2) Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial

Code.

Section 4. That chapter 44-7 be amended by adding thereto a NEW SECTION to read as follows:

The filing officer shall accept liens described in this chapter in the method or medium authorized by the filing office in accordance with chapter 57A-9 and rule of the appropriate filing office.

Section 5. That § 44-7-6.1 be repealed.

Section 6. That § 44-7-7.1 be repealed.

Section 7. That § 44-7-8.1 be amended to read as follows:

44-7-8.1. For filing a lien or certificate or notice affecting any lien filed under this chapter, the fee is as follows:

- (1) Twenty dollars if the record is communicated in writing; and
- (2) Fifteen dollars if the record is communicated by another method or medium authorized by filing office rule.

If the filing is with the secretary of state, one dollar of the fee shall be deposited into the financing statement filing fee fund.

Section 8. That chapter 44-7 be amended by adding thereto a NEW SECTION to read as follows:

For responding to a request for information from the filing office, including communicating whether there is on file any lien, certificate, or notice affecting any lien filed under this chapter naming a particular debtor, the fee is as follows:

- (1) Twenty dollars if the record is communicated in writing; and
- (2) Fifteen dollars if the record is communicated by another method or medium authorized by filing office rule.

The secretary of state shall use the procedures set forth in § 57A-9-523 to respond to a request for information from the filing office.

Section 9. That chapter 44-7 be amended by adding thereto a NEW SECTION to read as follows:

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it and to permit the filing office to use a filing system to record and maintain notices of liens, certificates, and other notices affecting federal tax liens or other federal liens in a manner authorized by the filing office and to permit federal officials to file notices of liens, certificates, and notices affecting those liens upon real or personal property for obligations payable to the United States under the filing system authorized by the filing office.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1010

\_\_\_\_\_  
Chief Clerk  
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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1010

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State